

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	21 October 2021
PANEL MEMBERS	Sue Francis (Chair), Sue Hopley, Glenn Falson, Bernard Hibbard (Community Representative)

Transaction of business outside of meetings pursuant to Clause 26 of Schedule 2 of the *Environmental Planning and Assessment Act, 1979*.

MATTER DETERMINED

DA-2021/542 - Lot A DP 392369, 195 Lawrence Hargrave Drive, Thirroul (as described in detail in schedule 1).

On 14 September 2021 the Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. This matter is re- submitted for electronic determination as per previous Panel recommendations.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel considered and accepted the clause 4.6 variation relating to site width. The proposal is alterations and additions to an existing building on an existing corner lot and there are sufficient environmental planning grounds provided to justify the variation and the proposal satisfies the objectives of the standard in this particular case. The proposal is also in the public interest as it satisfies the objectives of the R2 zone.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The amended plans address the items raised by the Panel in the previous referral
- The plans and submitted information now provide clarity as to what is proposed, what is already been built and what has been removed from the building.
- The proposed additional conditions recommended by staff will address the Panel's prior concern in relation to the removal of the balcony support post.
- The proposed works will improve the existing development and its landscape.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS



Sue Francis
(Chair)



Sue Hobley



Glenn Falson



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	2021/542
2	PROPOSED DEVELOPMENT	Residential - minor demolition works and alterations to existing building and use of building as a multi dwelling development - three (3) dwellings
3	STREET ADDRESS	195 Lawrence Hargrave Drive, THIRROUL NSW 2515
4	APPLICANT	JIH Building Design Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes a development standard (Minimum site width) imposed by an environmental planning instrument by more than 10%.
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 1. Environmental planning instruments: <ol style="list-style-type: none"> a. State Environmental Planning Policy No 55 – Remediation of Land b. State Environmental Planning Policy (Coastal Management) 2018 c. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 d. Wollongong Local Environment Plan 2009 2. Wollongong City Wide Development Contributions Plan 2020 3. Development control plans: <ol style="list-style-type: none"> a. Wollongong Development Control Plan 2009 4. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ol style="list-style-type: none"> a. Clause 93 - Fire safety and other considerations; b. Clause 94 – Consent authority may require buildings to be upgraded 5. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 6. The suitability of the site for the development 7. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 8. The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> · Council assessment report dated 14 September 2021 and 21 October 2021 · Council memo dated 14 September 2021 regarding Draft SEPPs · Written submissions during public exhibition: One (1) · Verbal submissions at the public meeting: Nil (original meeting 14 September 2021)
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 14 September 2021. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Cahir), Sue Hobley, Glenn Falson, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Rod Thew
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report